

ZONING AMENDMENT**Date: July 6, 2017****APPLICANT NAME**

Twilley Builders, Inc.

SUBDIVISION NAMETrifecta Subdivision
(West side of Rangeline Service Road, 2/10 \pm mile South of CSX Railroad).**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY1 Lot / 1.2 \pm Acres**CONTEMPLATED USE**

Zoning approval to rezone the site from R-1, Single Family Residential District, to B-3, Community Business District, to accommodate a proposed commercial building development.

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

**REASON FOR
REZONING**

To accommodate a proposed commercial building development.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not provided

**ENGINEERING
COMMENTS**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.

3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

No comments.

URBAN FORESTRY

COMMENTS

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).

FIRE DEPARTMENT

COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District to B-3, Community Business District to accommodate a proposed commercial building development.

This site recently appeared before the June 15, 2017 Planning Commission meeting in which the applicant sought to resubdivide the subject property from two (2) lots to one (1) lot in order to accommodate a proposed commercial business use. The site was granted tentative approval by the Planning Commission to allow a one-lot subdivision, and the applicant is now seeking to rezone the property in relation to the proposed commercial use.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The site has been given a Low Density Residential land use designation, per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline. The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

It should be noted that the subject site is a part of the Theodore/Tillman's Corner area that was annexed into the City Limits of Mobile on February 17, 2009. Some of the commercial businesses located within this area existed prior to annexation and may be found in areas currently classified as commercial, such as B-3, Community Business District and I-1, Light Industry, as well as residential districts, such as R-1, Single Family Residential.

The development proposed for the site, which requires the rezoning, would not generally support the intent of the Low Density Residential designation assigned via the recently adopted Future Land Use Plan and Map; however, there is a mixture of both commercial and residential uses found within the immediate vicinity of the subject site.

The subject site is currently bounded by B-3, Community Business District uses to the North, R-A, Residential Agriculture to the West, and R-1, Single Family Residential to the South and West.

As previously stated, the applicant's primary justification for rezoning the subject site is to allow a proposed commercial building development to be constructed on the subject site. The applicant states that the proposed building will have a drive-in door, minimal parking, and sufficient space for tractor trailer deliveries.

While Zoning approval is not site plan specific, it should be noted that a number of items will need to be addressed on the site plan prior to obtaining permits and redeveloping the subject area, if the rezoning request is approved. Since the applicant is requesting that the subject property be rezoned from residential to commercial, the applicant must ensure the site meets full commercial landscaping, tree planting, and site compliance.

The applicant is proposing to construct an 8,475 square foot commercial building on the subject site. According to Section 64-6 of the Zoning Ordinance, a commercial business use requires one (1) parking space per three hundred (300) square feet of gross floor area. Based on the proposed square footage and use, the subject site will require a total of twenty-eight (28) parking spaces, however, the site plan currently depicts only twenty-four (24) parking spaces. It should also be noted that the applicant stated that a portion of the structure would accommodate tractor trailer deliveries (although it is not clear how a tractor-trailer would maneuver on the site), thus insinuating that a portion of the structure may be used as commercial warehouse space. Per Section 64-6 of the Zoning Ordinance, a warehouse use requires one (1) parking space per three hundred (300) square feet of gross floor area devoted to office or commercial uses, plus one (1) parking space per three (3) warehouse employees. The applicant needs to clearly indicate the number of square feet that will be devoted to office, retail, and/or warehouse space, and the number of warehouse employees, if applicable, in order to determine the compliant number of parking spaces required for the entire site. If no warehouse space will be provided, the site plan will only need to be revised to depict the required number of parking spaces for office/commercial use, as there is a deficit of four (4) parking spaces per the submitted site plan.

In regards to the proposed parking area, the parking space dimensions as well as the access drive and aisle widths appear to be compliant with the requirements of the Zoning Ordinance; however, there is no curbing or wheel stops illustrated where the parking spaces/parking area abuts the landscaped portions of the subject site. Additionally, lighting must be provided in compliance with Section 64-6.A.3 of the Zoning Ordinance at the time of permitting, and should also be indicated as a note on the site plan. Furthermore, if the parking area will require 25 or more parking spaces, a photometric plan will also be required at the time of permitting.

Currently, there are no landscaping and tree planting calculations provided on the site plan, as well as the locations and species of all proposed overstory frontage and perimeter trees, understory perimeter and parking trees, and any existing trees to be counted for tree credits. Also, due to the presence of a drainage and utility easement along the front property line, the frontage tree planting area can be adjusted further into the property so that frontage trees are not planted in the easement.

The subject site abuts residentially-zoned properties. Per Section 64-4.D.1 of the Zoning Ordinance, where a commercially- utilized building site adjoins a residentially-utilized building site, there shall be a protection buffer strip of not less than ten (10) feet in width. Any required yard shall be counted as part of such protection buffer strip. The protection buffer may be a wall, fence, or a screen planting strip that complies with the regulations for walls/fences, screen planting strips, and buffer strips within the Zoning Ordinance. If a fence or wall is to be provided, the fence type and height should be depicted on the revised site plan and ensure that

setback requirements are met. A permit will be required prior to the erection of any proposed fencing.

The site plan does not indicate the method of garbage collection for the subject site. The site plan should be revised to illustrate that onsite garbage collection will be served via a dumpster with a compliant enclosure and a connection to sanitary sewer in accordance with Section 64-4.D.9 of the Zoning Ordinance and/or the placement of a note on the site plan indicating such. Additionally, if a dumpster will be provided the dumpster enclosure material and height should be indicated on the site plan. If a dumpster will not be provided, a note should be placed on the site plan stating that garbage collection will be provided via curbside or by private garbage collection services. Also, the revised site plan must ensure that the dumpster, if provided, is not within the required 10-foot residential buffer area.

The location and dimensions of the proposed HVAC mechanical equipment for the subject site is not illustrated on the site plan. The site plan should be revised to indicate the location, height and size of the HVAC mechanical equipment (i.e. HVAC units, generators, etc.) in compliance with Section 64-4.D.11 of the Zoning Ordinance.

A sidewalk should be depicted on the site plan along the Rangeline Road Service Road. If a sidewalk is not proposed for the site, the submission of a sidewalk waiver request is required.

Although the applicant has not provided a justification for the commercial building development outside of the point of developing the site for commercial business use, it appears, as stated in Section 64-9. of the Zoning Ordinance, that changing conditions in a particular area make a change in the Ordinance necessary and desirable. Furthermore, the property fronts directly onto Rangeline Road, a proposed major street and ALDOT managed facility, and the site is located entirely within a flood zone – both challenges to the residential use of the site. Finally, it appears that the existing residences next to the site were built well before Rangeline Road was constructed - residences appear in aerials from 1960, but Rangeline Road construction does not appear to have started until the early 1980s.

RECOMMENDATION

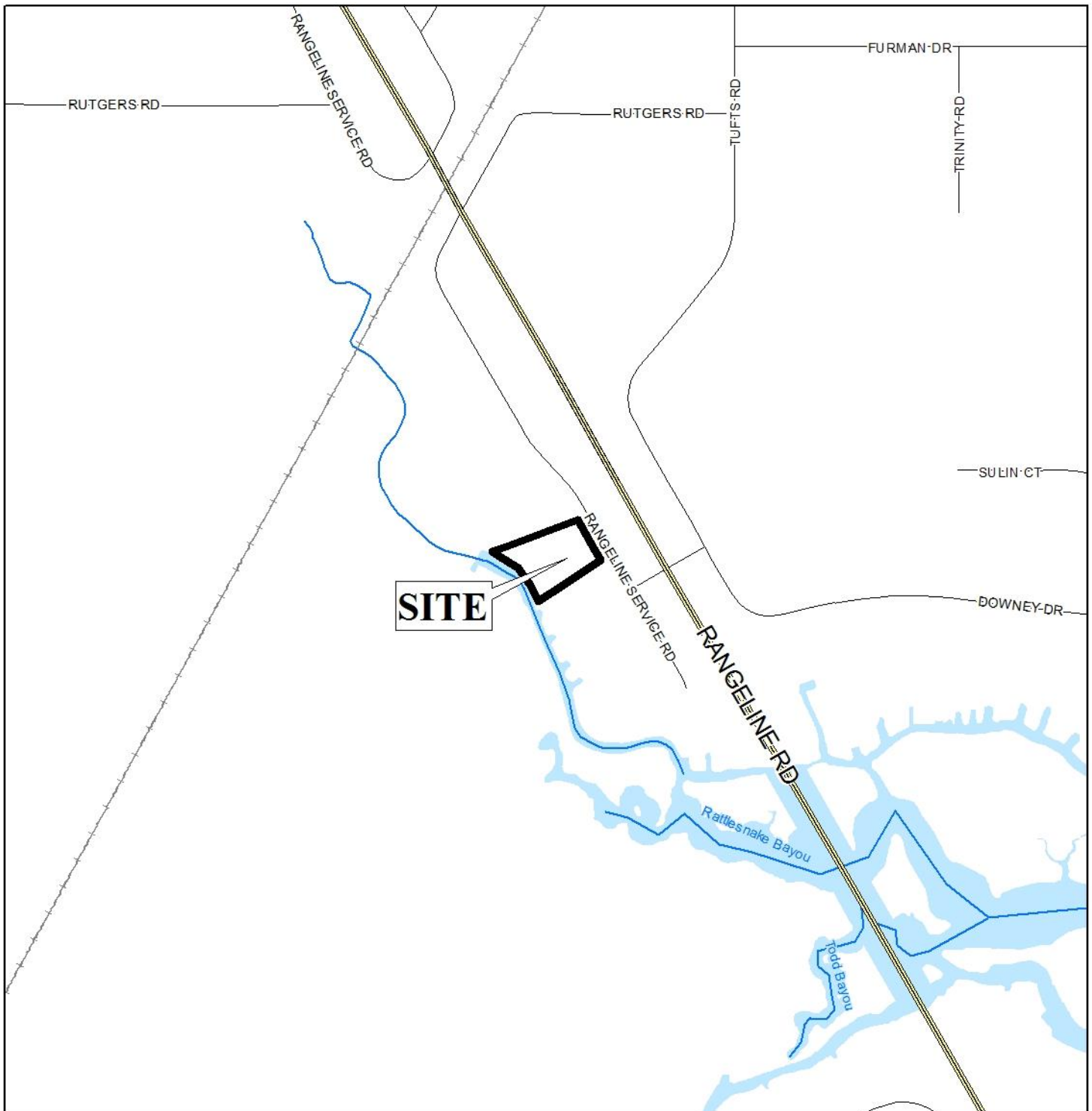
Based upon the preceding, the application is recommended for Approval to B-3, Community Business District, subject to the following conditions:

- 1) Completion of the Subdivision process;
- 2) Compliance with Engineering comments (*1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground*

structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);

- 3) *Compliance with Urban Forestry comments (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).;*
- 4) *Compliance with Fire comments (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)); and*
- 5) *Full compliance with all municipal codes and ordinances.*

LOCATOR MAP



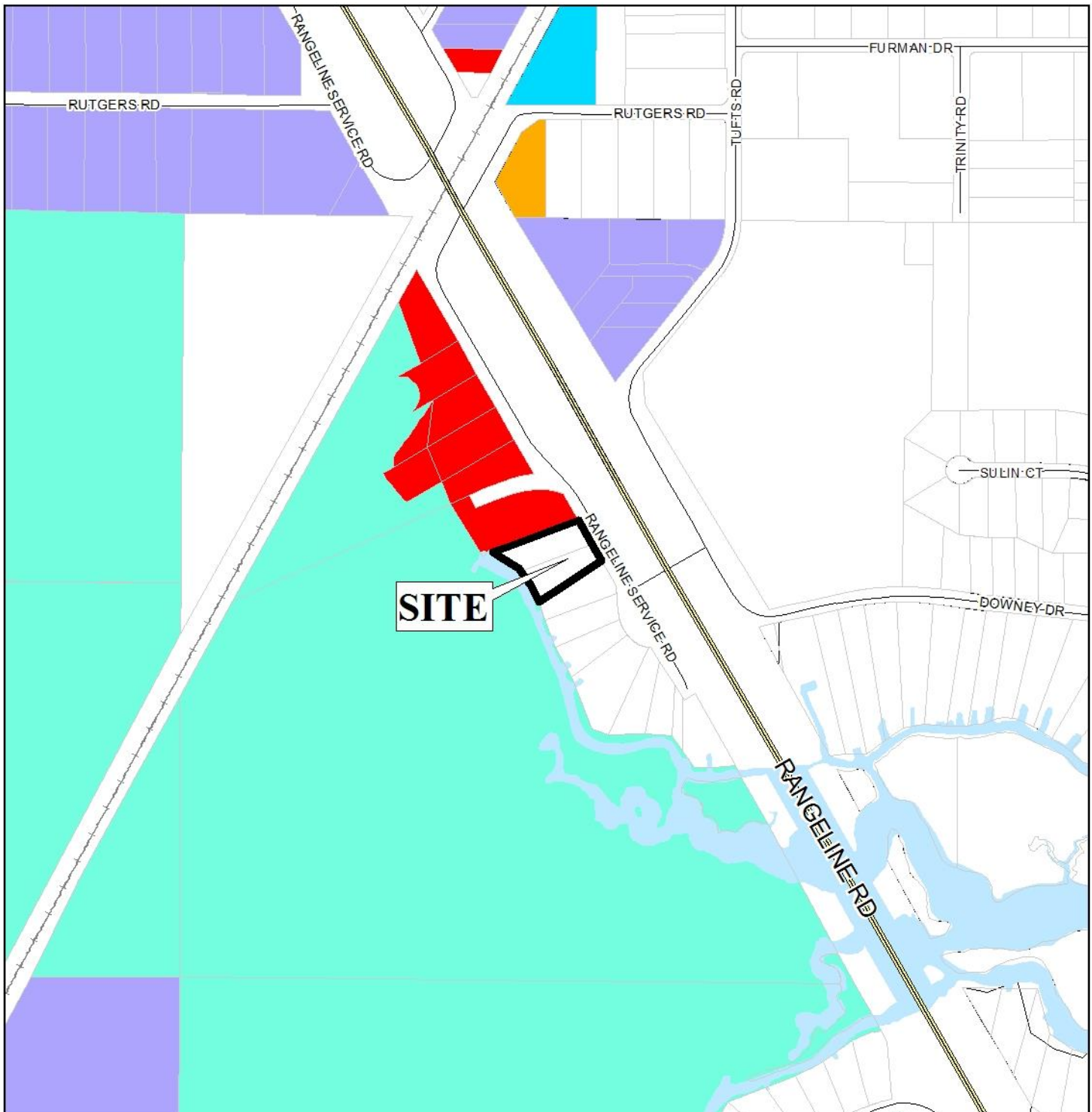
APPLICATION NUMBER 8 DATE July 6, 2017

APPLICANT Twilley Builders, Inc.

REQUEST Rezoning from R-1 to B-3



LOCATOR ZONING MAP



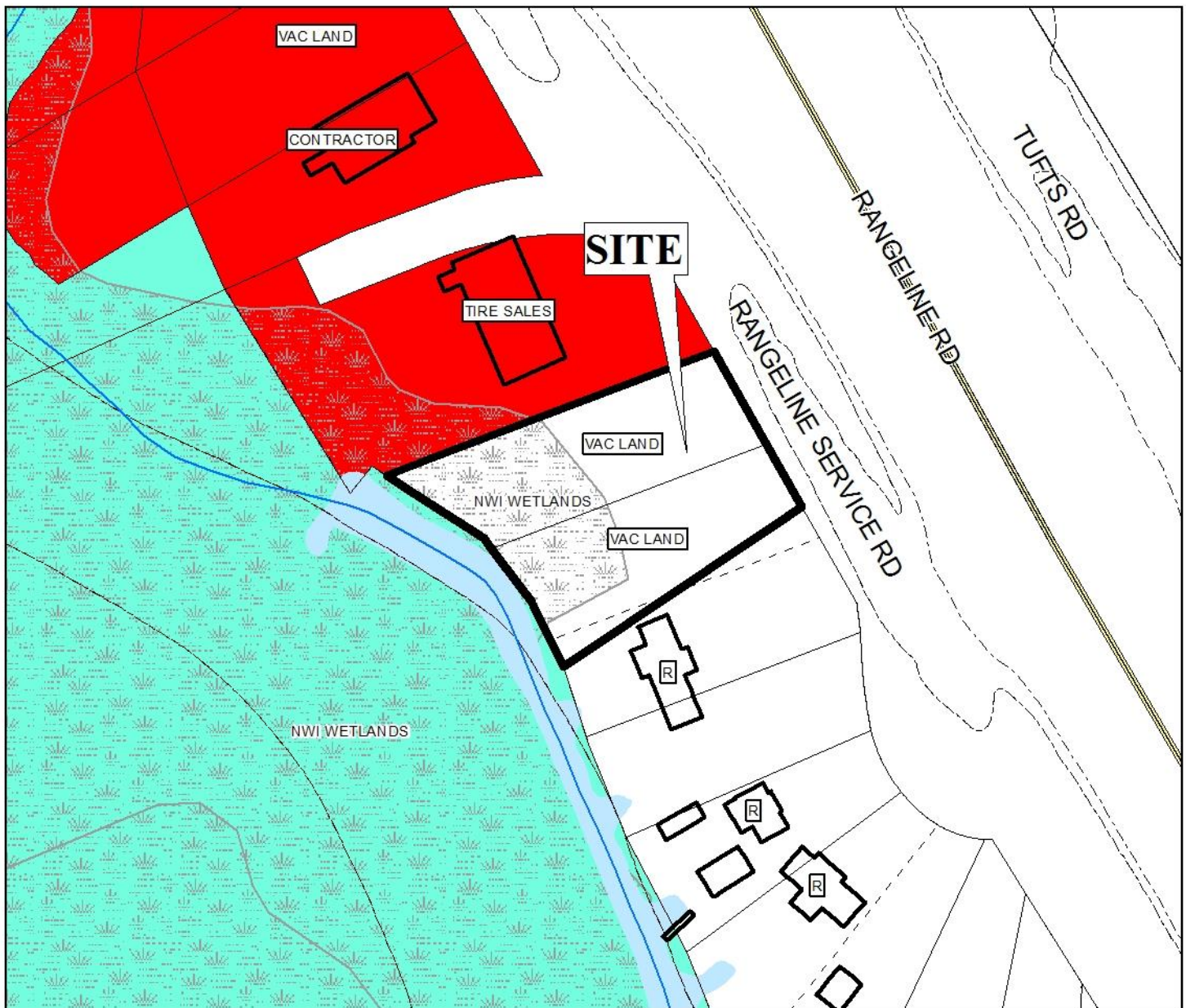
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the north, and residential units to the south.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units to the north, and residential units to the south.

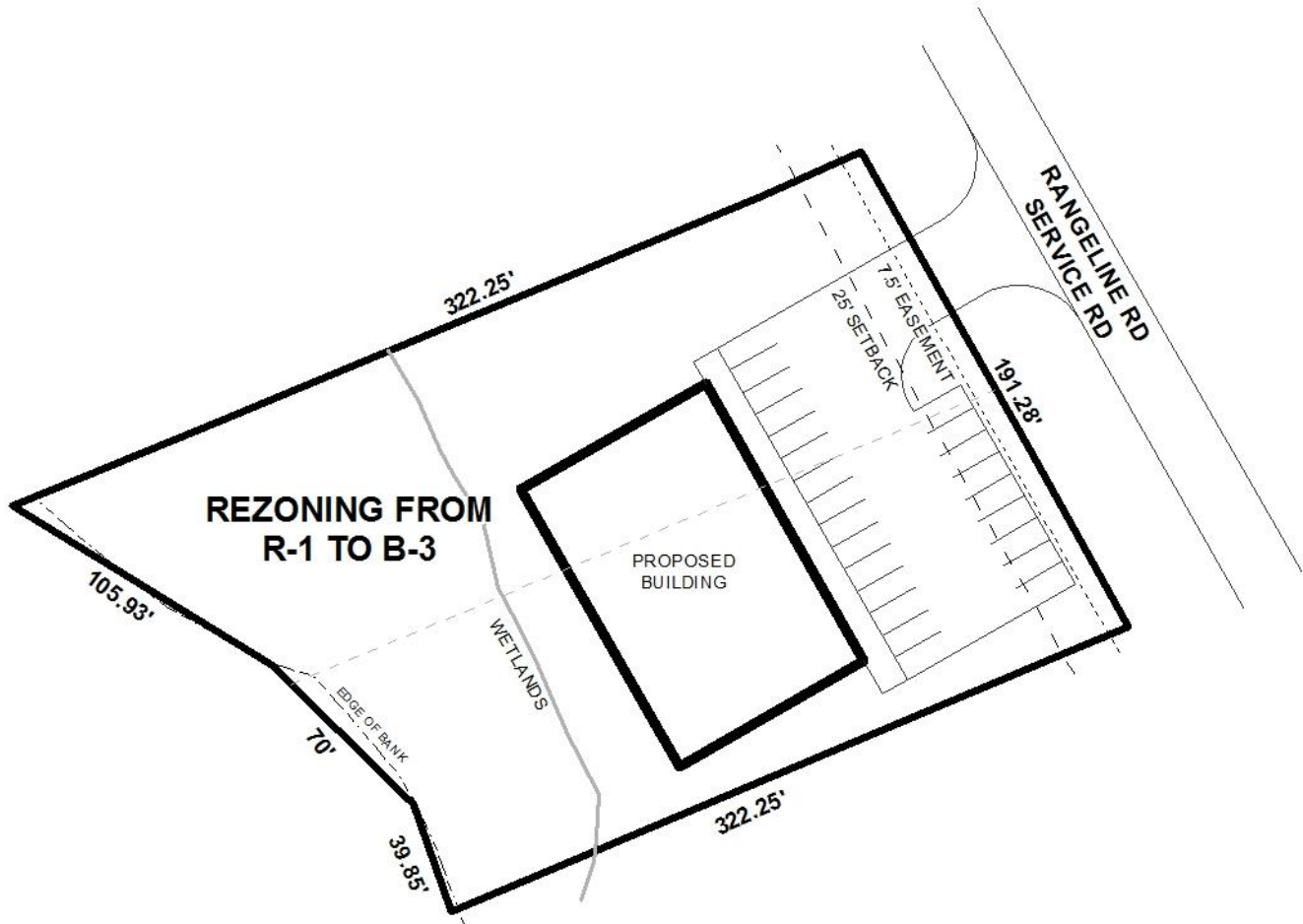
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SITE PLAN



The site plan illustrates the proposed building, parking, setback, and easement.

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NTS

